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 TRIAL LAWYERS

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\*MEMBER: THE FLORIDA BAR,  
 UNITED STATES DISTRICT COURT  
 FOR THE SOUTHERN, MIDDLE AND  
 NORTHERN DISTRICTS OF FLORIDA  
 AND THE EASTERN DISTRICT OF TEXAS

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November 19, 2019

**BY ECF**

The Honorable Valerie E. Caproni  
 United States District Judge  
 Southern District of New York  
 40 Foley Square  
 New York, New York 10007

Re: United States of America v. Jose Restrepo a/k/a/ "Pino" "Leonel Alexander Rodriguez"  
a/k/a/ "Jose Alfred Jimes"  
 Case No.: 17-cr-029(VEC)  
 Motion to Amend Judgment to Reflect Defendant's Arrest Date on the U.S. Extradition Warrant

Dear Judge Caproni:

Your Honor sentenced the above defendant on January 24, 2019 to a term of imprisonment of 57 months (D.E. 26). At the sentencing hearing, the Court ordered the PSI amended to reflect the correct date the defendant was arrested on the United States Extradition Warrant ("Extradition Warrant") in Colombia *i.e.*, October 20, 2017.<sup>1</sup> The Judgment and Sentence reflects the Court's finding that the defendant should receive credit for the time he was incarcerated in Colombia on the Extradition Warrant.<sup>2</sup>

The defendant has notified undersigned counsel that the Bureau of Prisons (BOP) will not credit him the time spent in Colombian custody under the Extradition Warrant unless the date is reflected in the judgment. In an effort to have the BOP correct the arrest date, undersigned counsel provided the defendant with copies of all pertinent documents (Judgment in a Criminal Case, Criminal Docket, Redacted DEA-6 Report that reflects the arrest date in Colombia, Government's Sentencing Submission which reflects the correct arrest date and Sentencing Transcript), but to no avail. To date, the BOP has not credited the defendant for the time spent in custody in Colombia on the Extradition Warrant.

Pursuant to 18 U.S.C. §3585(b), "[a] defendant shall be given credit toward the service of a term of imprisonment for any time he has spent in official detention prior to the date the sentence commences – (1) as a result of the offense for which the sentence was imposed."

<sup>1</sup> See, Exhibit "1" - Transcript of Sentencing Hearing, at page 3, lines 4-17.

<sup>2</sup> See, Exhibit "2" - Judgment in a Criminal Case, at p. 2.

Undersigned counsel has contacted Sidhardha Kamaraju the Assistant United States Attorney assigned to this case and he has advised that the Government does not oppose the relief sought herein.

The defendant, by and through undersigned counsel, would respectfully request the Court order the Judgment in a Criminal Case amended to reflect the date the defendant was taken into custody in Colombia on the Extradition Warrant, *to wit*: October 20, 2017.

Respectfully submitted,  
**ABREU LAW** <sup>PLLC</sup>



Robert E. Abreu, Esq.

REA/bmf

Application GRANTED. An amended Judgment will be entered to reflect the date the defendant was taken into custody in Colombia.

SO ORDERED.



11/19/2019

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE

J2M9RESS

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

-----x

UNITED STATES OF AMERICA,

v.

17 CR 29 (VEC)

JOSE RESTREPO,

Defendant.

-----x

New York, N.Y.  
February 22, 2019  
2:00 p.m.

Before:

HON. VALERIE E. CAPRONI.

District Judge

APPEARANCES

GEOFFREY S. BERMAN  
United States Attorney for the  
Southern District of New York  
SIDHARDHA KAMARAJU  
Assistant United States Attorney

ROBERT E. ABREU  
Attorney for Defendant

ALSO PRESENT: PAULA GOLD, Spanish Interpreter

1 (Case called)

2 MR. KAMARAJU: Good afternoon, your Honor. Sid  
3 Kamaraju on behalf of the government.

4 THE COURT: Good afternoon.

5 MR. ABREU: Good afternoon, your Honor. Robert Abreu  
6 on behalf of the defendant. He is present to my right.

7 THE COURT: Good afternoon, Mr. Abreu. Good afternoon  
8 Mr. Rodriguez. Your last name is Rodriguez, correct?

9 THE DEFENDANT: Rodriguez.

10 THE COURT: Please be seated.

11 THE DEFENDANT: Thank you.

12 THE COURT: OK. Mr. Abreu have you and your client  
13 read the presentence report that was dated January 8, 2019  
14 which was reissued with a very minor correction on February 20?

15 MR. ABREU: Yes, your Honor.

16 THE COURT: Just let me note for the record that the  
17 correction date says it's February 20, 2018. That should  
18 actually be 2019.

19 Have you discussed it with your client?

20 MR. ABREU: Yes, I have.

21 THE COURT: Mr. Rodriguez, did somebody read you the  
22 presentence report?

23 THE DEFENDANT: Yes.

24 THE COURT: Did you discuss it with your attorney?

25 THE DEFENDANT: Yes, ma'am.

1 THE COURT: Mr. Abreu, do you have any objections to  
2 the report?

3 MR. ABREU: No, your Honor. We filed no objections.

4 THE COURT: I would just note I noted a couple of  
5 corrections. On the face page the date of his arrest is not  
6 correct. On paragraph 30 that mistake is repeated.

7 The date of arrest in Colombia should be October 20,  
8 2017. Is that correct?

9 MR. ABREU: I was going to bring that up later but,  
10 yes, that's correct.

11 MR. KAMARAJU: Yes, your Honor.

12 THE COURT: I'll have that correction made to the  
13 report.

14 The presentence report will be made part of the record  
15 in this matter and placed under seal. If an appeal is taken,  
16 counsel on appeal may have access to the sealed report without  
17 further application to this Court.

18 So I received a sentencing submission from the defense  
19 that was dated February 11, 2019 that included some e-mail from  
20 various family members of Mr. Rodriguez. And I received a  
21 letter from the government dated February 11, 2019.

22 So the defendant pled guilty to one count of  
23 conspiracy to import cocaine into the United States. The  
24 presentence report reflects a guideline level of 25, criminal  
25 history category I, which yields a guideline range of 57 to 71

1 months.

2 I find the correct guidelines calculation is as  
3 follows.

4 I start with drug guidelines. Based on the stipulated  
5 amount of five to fifteen kilograms of cocaine, 2D1.1(a)(5) and  
6 (c)(5) set the base offense level of 30. The defendant  
7 provided a safety valve proffer so that's minus two. The  
8 defendant pled guilty and accepted responsibility early on.  
9 That's minus three, leading to an adjusted offense level of 5.

10 The defendant has one prior conviction for illegally  
11 entering the country. That's one criminal history point. One  
12 criminal history point puts him in criminal history category I.

13 Level 25, criminal history category I yields a  
14 guideline range of 57 to 71 months.

15 Are there any guidelines arguments that I've not  
16 addressed?

17 MR. KAMARAJU: Nothing from the government, your  
18 Honor.

19 MR. ABREU: Nothing from the defense, your Honor.

20 THE COURT: I don't see a grounds for a departure  
21 under the guidelines. But I note that based on Mr. Rodriguez's  
22 safety valve proffer I'm not bound by what would otherwise be  
23 the applicable mandatory minimum.

24 Are there any factual issues in dispute?

25 MR. KAMARAJU: Not from the government, your Honor.

1 MR. ABREU: Your Honor, just one clarification. In  
2 the government's sentencing submission they indicated that  
3 during the proffer session my client did not mention that he  
4 had been arrested and deported from the United States. I  
5 reviewed my notes and, in fact, that is true. During the  
6 safety valve proffer session we did not discuss that. However,  
7 the DEA 6 reports I was given from when he debriefed in  
8 Colombia, he does mention that he was arrested in 2013 and was  
9 deported from the United States. I wanted to clear that up so  
10 your Honor did not believe that he misled the government in any  
11 way during that proffer session.

12 THE COURT: Would the government like to be heard on  
13 sentence?

14 MR. KAMARAJU: Unless your Honor has any questions.

15 THE COURT: I just have one.

16 Based on what -- let me just say what I -- how I am  
17 reading all the materials that I have been given; that while  
18 Mr. Rodriguez may not have been a broker who could really  
19 broker a thousand kilograms of cocaine, the deal that he was  
20 arrested for was not his first trip to the rodeo. He had  
21 brokered other -- sorry, that's -- I hope that translates OK.

22 THE INTERPRETER: Yes.

23 THE COURT: He had brokered other cocaine deals before  
24 this but not as large as the thousand kilogram load that he was  
25 talking to the undercover about.

1 MR. KAMARAJU: I think that's right, your Honor. I  
2 think he was involved in much smaller scale things. I think,  
3 as he stated during his proffer, he was trying to impress the  
4 undercover by discussing these sort of larger loads and perhaps  
5 he was trying to lead the undercover on to see if he could do  
6 something, but I don't think he's a first-timer to the drug  
7 game. I think he certainly knew other individuals that had  
8 been a part of transactions.

9 I do think that he was not at any point sort of a  
10 supplier, for example, or a distributor who had airplanes in  
11 the way that he claimed. I think his involvement has always  
12 been more of this brokering or introducing people to each  
13 other. But I would agree he's not a first-timer.

14 THE COURT: All right. Mr. Abreu.

15 MR. ABREU: Thank you, your Honor.

16 A couple of things. When he was arrested in Colombia  
17 on October 20, 2017 he was taken to Los Martes which is a  
18 police station, it's a holding area for people that are in the  
19 process of being extradited. You're held there for a couple of  
20 weeks until they transfer you to the maximum security prison La  
21 Picota.

22 During the time he was still at the police station he  
23 retained U.S. counsel -- which was not me, I came in later  
24 on -- and his Colombian lawyer, and they arranged for a debrief  
25 with the DEA. On October -- on November 2, that debriefing



1 took place. And interestingly, the government did not provide  
2 any sort of proffer letter or Kastigar letter or immunity  
3 letter. Instead, he was read an advice of rights. So  
4 everything that was said by him during that meeting, obviously,  
5 would be admissible against him.

6           Thereafter, he requested an express extradition to the  
7 United States. And, unfortunately, in Colombia express means  
8 between eight to ten months. It's not really as quick as he  
9 would like. He was brought over to the United States. I was  
10 retained in the interim.

11           Once he was here, we reviewed the discovery. I  
12 reviewed it extensively with him. We then approached the  
13 government for his safety valve proffer session which was  
14 conducted. I believe he was truthful in all respects. And  
15 then we entered a plea agreement with the government.

16           What I am trying to say is at all times he's tried to  
17 cooperate fully. And I totally agree with the government, he  
18 is not anywhere near being a drug trafficker or somebody who  
19 can traffic in thousands of kilos.

20           In fact, what was said during the safety valve proffer  
21 is that this whole dealing with this informant was his attempt  
22 to try to steal the front money, the transport money. He was  
23 trying to get three hundred thousand dollars from this  
24 informant, not to provide any drugs, not to provide any cocaine  
25 or landing strips or airplanes, but simply so he could steal

1 the money.

2 THE COURT: So, in other words, he's not a drug  
3 dealer, he's a thief.

4 MR. ABREU: In this case, yes.

5 THE COURT: OK.

6 MR. ABREU: Yes.

7 And for every lie that the informant told him, he told  
8 a bigger lie back. He told the informant that he worked with  
9 Pablo Escobar. I looked it up yesterday and Pablo Escobar was  
10 killed in 1993 and he was seven years old. He was still in  
11 Guatemala. So that's a lie.

12 THE COURT: Pablo took him early.

13 MR. ABREU: I could keep going.

14 He said he had been arrested in Costa Rica and  
15 extradited to the United States, so on and so on, basically  
16 puffing, trying to make himself more than he was.

17 He did, in fact, broker that ten-kilo deal in  
18 California. That's why he pled guilty. He is guilty. And I'm  
19 not trying to minimize that.

20 And I looked at other sentences in this district  
21 for -- for example, the boat cases. I see people sitting on  
22 go-fast vessels with a thousand or two thousand kilos.

23 THE COURT: I don't think he's equivalent to the guys  
24 on the boats --

25 MR. ABREU: This is how I look at it.

1 THE COURT: OK.

2 MR. ABREU: Colombia can produce all the cocaine they  
3 want to produce. If you can't get it from Colombia to Central  
4 America or Mexico, it's worthless; it's not worth anything.  
5 And the only way to do it is to hire experienced mariners,  
6 people who are sailors, who are captains, who are navigators to  
7 get it from point A to point B. Yet, those people, who are in  
8 my opinion an integral part of the drug trafficking conspiracy,  
9 receive relatively minor sentences.

10 He has, unfortunately, by his upbringing, he grew up  
11 in Guatemala. He left school when he was 14 years old so he  
12 could help his family financially. He began washing cars for a  
13 certain individual. That individual led him into this life by  
14 delivering -- having him deliver money, having him deliver  
15 drugs. That's unfortunately how he was raised.

16 He's not a drug trafficker. He has dabbled -- and  
17 I'll agree with the government, I think he's a very, very low  
18 level type person, someone who made some money here and there  
19 by introducing people.

20 And I would ask the Court to consider, based on his  
21 cooperation or his attempt to cooperate, based on the harsh  
22 conditions that he was subject to in Colombia -- I go to  
23 Colombia every month. I have several clients in different  
24 stages of extradition. And the conditions at that prison are  
25 horrible. There is either no hot water or there is no running

1 water. The government doesn't provide you anything. You have  
2 to buy it and then pay the guards to let you bring it in. And  
3 it's this whole corrupt system that's horrible. And the  
4 facilities, even though they were built less than 20 years ago,  
5 are in shambles. And the eight or nine or ten months that he  
6 did there is a significant amount of time when you look at the  
7 conditions that he was subject to.

8 I would ask the Court to consider a variance. Perhaps  
9 something in -- along the lines of 24 months for him.

10 He's subject to deportation once he finishes his  
11 sentence. In my experience the average time is between one and  
12 three months from the time he leaves the Bureau of Prison  
13 custody until the time he's physically deported. Since he was  
14 arrested in October 2017 he would still have approximately  
15 another year to go if the Court were to sentence him to the 24  
16 months.

17 THE COURT: Is he going to get credit for time that he  
18 spent in Colombia?

19 MR. ABREU: I've had that issue and I was going to  
20 bring it up later. If your Honor somehow in the judgment and  
21 sentence puts the date that he was arrested -- because the  
22 Bureau of Prisons will go off the PSI.

23 THE COURT: I'm going to order the presentence report  
24 corrected to show the date of the arrest as October 20.

25 MR. KAMARAJU: So I've come across this issue too

1 before, your Honor, and certainly with periods of foreign  
2 incarceration and state incarceration.

3 I've think if your Honor wants to -- wants to credit  
4 him for that time, the safest way to do it is to factor it into  
5 the sentence that you impose as opposed to just asking BOP to  
6 credit him for it.

7 THE COURT: Here's my concern. My concern is that if  
8 I shorten what I would otherwise give him, that I run the risk  
9 that Bureau of Prisons is going to give him credit for the  
10 Colombia time.

11 MR. KAMARAJU: Right.

12 THE COURT: So perhaps I can just make it clear in the  
13 J&C that my sentence assumes that he will be credited with his  
14 time in Colombia.

15 MR. ABREU: That would be fine, your Honor. I'm  
16 finished, your Honor. I think he wants to address the Court if  
17 possible.

18 THE COURT: Of course. Mr. Rodriguez. Would you like  
19 to be heard?

20 THE DEFENDANT: Yes. Good afternoon. What I wanted  
21 to do first was to apologize to your Honor and to the U.S.  
22 Attorney for the consideration that was afforded to me. I  
23 learned my lesson that lying is wrong. And I believe in the  
24 American justice system. And I believe that this is a country  
25 of opportunities and that I am being given the opportunity to

1 return home. Thank you very much.

2 THE COURT: Thank you, Mr. Rodriguez.

3 Mr. Rodriguez, federal law requires me to consider the  
4 nature and circumstances of the offense and the history and  
5 characteristics of the defendant. In terms of you, you were  
6 raised in Guatemala. Your family did not have a lot of money  
7 but it was intact. You were raised with two parents and  
8 brothers and sisters. At some point you moved to Colombia as  
9 far as I can tell for purposes of dealing drugs. You never  
10 finished high school and you have little legitimate employment.

11 So taking into account that assessment of the  
12 defendant, I'm required by federal law to impose a sentence  
13 that is reasonable and no greater than necessary to achieve the  
14 goals of sentence.

15 I've considered all of the required sentencing  
16 factors. I'm only going to discuss the ones that I view as  
17 most important.

18 I'll start with the seriousness of the offense. Drug  
19 trafficking, Mr. Rodriguez, is a serious crime. So you're not  
20 being sentenced and you're not being prosecuted because you  
21 lied. The lying was bad and the lying got the DEA more and  
22 more interested in you. But you're being prosecuted because  
23 you brokered the transaction of ten kilograms of cocaine to be  
24 purchased in the United States. That's the crime. Ten  
25 kilograms may not seem like a lot to you but ten kilograms of

1 pure cocaine is a lot of cocaine. So it's a serious crime.

2 Considered the need to promote respect for the law.  
3 You know I see you, Mr. Rodriguez, as someone who is perfectly  
4 happy to sell significant quantities of cocaine into the United  
5 States and to broker the deals with no concern of the fact that  
6 what you're doing is you're pushing poison into the United  
7 States.

8 I've considered the need to provide just punishment  
9 while avoiding unwarranted disparities.

10 What that means is, Mr. Rodriguez, is that similar  
11 defendants should get similar sentences. Your lawyer pointed  
12 to the sort of people who are caught on fast boats. There's a  
13 wide variety of those defendants. But it's not uncommon for  
14 the drug traffickers to use people that, while they have marine  
15 skills, they don't really know what they're doing. They're  
16 not -- they're sort of dragooned into doing -- moving the  
17 cocaine out into the ocean where it will be picked up by some  
18 other ship. Those people are not as culpable as you. You knew  
19 exactly what you were doing. You were doing it knowingly and  
20 willfully and intentionally to transact and to broker  
21 transactions of cocaine into the United States.

22 So while the guys that don't know anything and get  
23 caught on a fast boat frequently do get two or three year  
24 sentences in this court, I don't view you as that equivalent.  
25 I view you as someone who, on a not -- maybe not on huge

1 quantities but you've done this before, you know what you're  
2 doing, and you're intentionally brokering sales of cocaine into  
3 the United States.

4 I've considered the need to deter criminal conduct.  
5 Mr. Rodriguez, there are two aspects of deterrence that judges  
6 are supposed to consider, what we call specific deterrence and  
7 general deterrence. General deterrence is how do we deter  
8 people generally from committing crimes. Specific deterrence  
9 is how do we deter you from committing another crime.

10 In terms of general deterrence, I have absolutely no  
11 thought that whatever I do with you is going to have any impact  
12 whatsoever on drug trafficking generally. The best I can hope  
13 for is that when you go back to Colombia or back to Guatemala  
14 you tell people don't get involved in selling drugs into the  
15 United States because they are treated very harshly. But I  
16 don't think it's going to have much of an impact on the drug  
17 trade. So my only focus on deterrence is on you, is how do we  
18 deter you from committing another crime.

19 It is my hope that the time that you spend -- that you  
20 spent in Colombia in jail, and that you're going to spend in  
21 the United States in jail will persuade you that this is not  
22 how you want to live your life; that what you want to do when  
23 you go back home, if it's Guatemala or Colombia, is to get a  
24 legitimate job and do legitimate work so you're not lying to  
25 people about Pablo Escobar and you're not embarrassed to talk



1 to your family, and you're not getting -- looking over your  
2 shoulder because the police are coming for you. So get a  
3 legitimate job.

4 I've considered the need to provide the defendant with  
5 needed educational or vocational training, medical care or  
6 other correctional treatment.

7 Mr. Rodriguez, I urge you to take advantage of  
8 whatever programs the Bureau of Prisons will make available to  
9 you, to learn how to do something, so that when you get out of  
10 jail and go back home you can get a real job. That's the best  
11 way to stay away from the narcos, is to have a legitimate job  
12 that earns you legitimate money.

13 Taking all of that into account, I'm going to sentence  
14 the defendant to the custody of the Attorney General for a  
15 period of 57 months, to be followed by a period of supervised  
16 release of two years.

17 In the judgment and commitment I'm going to make clear  
18 that I expect the Bureau of Prisons to give him credit for time  
19 he spent postarrest in Colombia.

20 There are mandatory conditions of supervised release.  
21 I'm telling you about all this, Mr. Rodriguez, although I never  
22 expect you to be on supervised release. You should go from the  
23 Bureau of Prisons to the immigration -- to the custody of  
24 immigration, and immigration will take you back out of the  
25 country either to Colombia or to Guatemala. In the unlikely

1 event that that doesn't happen and you're released into the  
2 United States, you will be under supervised release. There are  
3 a whole bunch of conditions of supervised release. The  
4 mandatory -- in addition to the mandatory conditions of  
5 supervised release, which will be explained to you if this  
6 comes to pass, the key requirements are that you may not commit  
7 another crime. You cannot illegally possess a controlled  
8 substance. You cannot possess a firearm or other destructive  
9 device. You will be subject to mandatory drug testing. You  
10 must cooperate in the collection of DNA.

11 In addition to the standard conditions of supervision,  
12 again, in this unlikely event that you're released, I'm  
13 imposing the following special conditions.

14 First, you must cooperate with the immigration  
15 authorities. So if they release you, they're going to release  
16 you and tell you to show up somewhere, you've got to do that.  
17 Whatever immigration tells you, you've got to do it.

18 You also must submit your person, residence, place of  
19 business, vehicle, electronic devices or other premises that  
20 are under your control to search if the probation officer has a  
21 reasonable belief that contraband or evidence of a violation of  
22 the conditions of release may be found there. Any search must  
23 be conducted at a reasonable time and in a reasonable manner.  
24 Failure to submit to search may be grounds for revocation. And  
25 the defendant must inform any other residents that the premises

1 may be subject to search pursuant to this condition.

2 The defendant must report to the nearest probation  
3 office within 72 hours of release.

4 And he'll be supervised by the district of residence.

5 The government is not seeking forfeiture; is that  
6 correct?

7 MR. KAMARAJU: Correct, your Honor.

8 THE COURT: I must impose a \$100 special assessment.

9 Mr. Abreu, do you have any request for designation?

10 MR. ABREU: Only South Eastern United States.

11 THE COURT: Southeast United States?

12 MR. ABREU: Yes.

13 THE COURT: Mr. Rodriguez, I'm going to ask that you  
14 be designated in the Southeast United States. I can't  
15 guarantee that that's going to happen. It's up to proceed --  
16 it's up to the Bureau of Prisons where they will put you. But  
17 I will ask that you be designated to somewhere in the  
18 southeast.

19 To the extent you have not given up your right to  
20 appeal your sentence through your plea of guilty and the  
21 agreement you entered into with the government in connection  
22 with that plea, you have the right to appeal. If you're unable  
23 to pay the cost of an appeal you may apply for leave to appeal  
24 in forma pauperis. The notice of appeal must be filed within  
25 14 days of the judgment of conviction.

1 Anything further from the government?

2 MR. KAMARAJU: Just to confirm there are no open  
3 counts.

4 THE COURT: Are there any open counts?

5 MR. KAMARAJU: There are no open counts, your Honor.

6 I believe your Honor stated, just for the record, I  
7 think with the corrections your Honor mentioned you adopted the  
8 PSR as the factual findings.

9 THE COURT: Yes.

10 MR. KAMARAJU: Thank you, your Honor.

11 THE COURT: Anything further from the defense?

12 MR. ABREU: No, your Honor. Thank you.

13 THE COURT: All right. Thank you. Mr. Rodriguez,  
14 good luck.

15 MR. KAMARAJU: Thank you, your Honor.

16 THE DEFENDANT: Thank you very much.

17 (Adjourned's)

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## UNITED STATES DISTRICT COURT

Southern District of New York

UNITED STATES OF AMERICA

v.

Jose Restrepo, a/k/a "Pino" a/k/a "Leonel Alexander  
Rodriguez-Rodriguez" a/k/a Jose Alfred James"

## JUDGMENT IN A CRIMINAL CASE

Case Number: 17-cr-00029-VEC-1

USM Number: 76210-054

Robert Abreu

Defendant's Attorney

## THE DEFENDANT:

☒ pleaded guilty to count(s) One (1)☐ pleaded nolo contendere to count(s)  
which was accepted by the court.☐ was found guilty on count(s)  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

Title & Section	Nature of Offense	Offense Ended	Count
21:952=NI.F	CONSPIRACY TO IMPORT COCAINE INTO THE UNITED	11/30/2016	1

The defendant is sentenced as provided in pages 2 through 7 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.☐ The defendant has been found not guilty on count(s)☐ Count(s) \_\_\_\_\_ ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

2/22/2019

Date of Imposition of Judgment

Signature of Judge

HON. VALERIE CAPRONI, USDJ

Name and Title of Judge

Date

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED:

DEFENDANT: Jose Restrepo  
CASE NUMBER: 17-cr-00029-VEC-1

### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total term of:

Fifty-Seven (57) Months. The defendant should receive credit for the period of time spent while incarcerated in Columbia.

☒ The court makes the following recommendations to the Bureau of Prisons:

It is recommended that the defendant be housed in a facility in the Southeast region of the United States.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☐ before 2 p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
at \_\_\_\_\_, with a certified copy of this judgment.

UNITED STATES MARSHAL

By \_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: Jose Restrepo

CASE NUMBER: 17-cr-00029-VEC-1

**SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of :

Two (2) Years

**MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☐ You must make restitution in accordance with 18 U.S.C. §§ 3663 and 3663A or any other statute authorizing a sentence of restitution. *(check if applicable)*
5. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
6. ☐ You must comply with the requirements of the Sex Offender Registration and Notification Act (34 U.S.C. § 20901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, are a student, or were convicted of a qualifying offense. *(check if applicable)*
7. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

DEFENDANT: Jose Restrepo  
CASE NUMBER: 17-cr-00029-VEC-1

## STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchakus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

## U.S. Probation Office Use Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's Signature \_\_\_\_\_

Date \_\_\_\_\_



DEFENDANT: Jose Restrepo  
CASE NUMBER: 17-cr-00029-VEC-1

### **ADDITIONAL SUPERVISED RELEASE TERMS**

The defendant shall comply with the immigration law and cooperate with the Department of Homeland Security, Bureau of Citizenship and Immigration Services (BCIS).

The defendant shall submit his person, residence, place of business, vehicle, electronic devices, or any other premises under his control to a search on the basis that the probation officer has reasonable belief that contraband or evidence of a violation of the conditions of the release may be found. This search must be conducted at a reasonable time and in a reasonable manner. Failure to submit to a search may be grounds for revocation. The defendant shall inform any other residents that the premises may be subject to search pursuant to this condition.

The defendant shall be supervised by the district of residence.

\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.

DEFENDANT: Jose Restrepo  
CASE NUMBER: 17-cr-00029-VEC-1

### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during the period of imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☐ The defendant shall forfeit the defendant's interest in the following property to the United States:

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.